

E-filed 6/30/08

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6 Attorneys for Defendants
 7 DEPUY, INC. and DEPUY SPINE, INC.

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

11 SPOTLIGHT SURGICAL, INC.,

12 Plaintiff,

13 vs.

14 DEPUY, INC. AND DEPUY SPINE, INC.,

15 Defendants.
 16

Case No. CV 07-03362 JF RS

**STIPULATION TO EXTEND THE DATE
 FOR DEFENDANTS DEPUY, INC.'S AND
 DEPUY SPINE, INC.'S RESPONSE TO
 COMPLAINT**

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 18 Plaintiff Spotlight Surgical, Inc. and Defendants DePuy, Inc. and DePuy Spine, Inc. are
 19 actively negotiating a settlement. Accordingly, the parties previously stipulated that Defendants
 20 had an extension of time up to and including June 27, 2008 to answer or otherwise respond to
 21 Plaintiff's Complaint for Injunctive Relief and Damages for (1) Federal Unfair Competition (15
 22 U.S.C. § 1125(a)); (2) California Unfair Competition (B&P Code § 17200); (3) Common Law
 23 Unfair Competition.

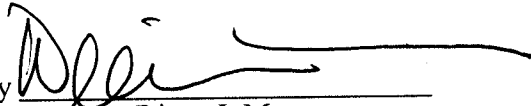
24 The parties have exchanged drafts of a settlement agreement, however, a new issue has
 25 recently been raised that the parties are considering. The parties are still hopeful that they will be
 26 able to finalize their settlement and dismiss this matter shortly. Thus, the parties, by and through
 27 their undersigned attorneys, hereby stipulate and agree that Defendant shall have an additional

1 extension of thirty-one days (31) days to answer or otherwise respond to Plaintiff's Complaint, up
2 to and including July 28, 2008.

3 This will be the eleventh extension of time entered in this case. This stipulation is not
4 entered into for any purposes of delay. Rather, the parties have a good faith belief that they will
5 shortly settle this matter and, under such circumstances, do not wish to unnecessarily expend
6 either the Court's or their time and resources on further litigation.

7 Dated: June 26, 2008


MORGAN, LEWIS & BOCKIUS LLP

8
9 By 
Diane J. Mason

10 Attorneys for Defendant DEPUY, INC. and
11 DEPUY SPINE, INC.

12 Dated: June 26, 2008


HELLER EHRMAN LLP

13
14 By 
15 Harold J. Milstein

16 Attorneys For Plaintiff SPOTLIGHT
17 SURGICAL, INC.

18
19 PURSUANT TO STIPULATION, IT IS SO ORDERED

20
21 Dated: 6/30/08


22 The Honorable Jeremy Fogel
23 United States District Judge